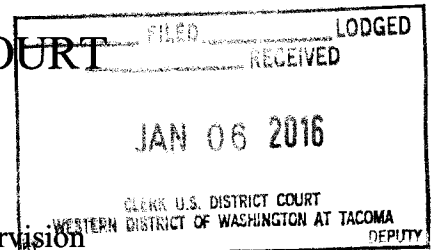


WA/WD PTS-NoAction  
(01/15)

# UNITED STATES DISTRICT COURT

for  
Western District of Washington



## Report on Defendant Under Pretrial Services Supervision

<i>Name of Defendant</i>	<i>Date</i>
<b>Michaud, Jay</b>	January 5, 2016
<i>Name of Judicial Officer</i>	<i>Case Number</i>
The Honorable J. Richard Creatura, U.S. Magistrate Judge	3:15-CR-05351-RJB
<i>Original Offense</i>	<i>Date Supervision Commenced</i>
Count 1: Possession of Child Pornography	July 17, 2015
Count 2: Receipt of Child Pornography	

### Bond Conditions Imposed:

- Surrender all current and expired passports and travel documents to the court. Do not apply for/obtain a new passport or travel document from any country without permission of the court. If the surrendered passport is a foreign passport, it shall be forwarded to Immigration and Customs Enforcement if defendant is convicted of an offense, unless otherwise ordered by the Court.
- Maintain residence as directed. Do not change residence without prior approval of Pretrial Services or as directed by Pretrial Services.
- Do not peruse or possess sexually explicit material as defined in Title 18, USC, Section 2256(2)(A-E).
- The defendant shall not use, possess or have access to a computer or computer components (functional or non-functional), including but not limited to hard drives, external storage devices, keyboards, and mouse, at the defendant's residence, place of employment, private homes, libraries, schools, or other public locations, without prior approval of Pretrial Services. In addition, the defendant shall not use, possess, or have access to PDA's, gaming systems, and Internet enabled TV devices, nor access the internet through use of a cellular phone device. The defendant shall not access the internet, or private or public computer networks, or not have others do so on his/her behalf, without prior approval of Pretrial Services. The defendant hereby consents to U.S. Pretrial Services' use of electronic detection devices to evaluate the defendant's access to WiFi (wireless fidelity) connections.
- Notify current employer of pending charges by July 21, 2015. The employer shall sign a Third Party Disclosure Form as directed by Pretrial Services.
- You must contribute towards the costs of the services required by this bond; to the extent you are financially able to do so, as determined by Pretrial Services.
- Mandatory Conditions Required Under the Adam Walsh Act:

No contact with alleged victims and potential witnesses.

Report to Pretrial Services as directed.

Comply with a specified curfew.

You are prohibited from possessing or having access to firearms and dangerous weapons. All firearms and dangerous weapons must be removed from your residence(s), vehicle(s), and place of employment. This condition operates in conjunction with any restrictions imposed under Title 18, USC 922, and the Washington State Revised Code, Chapter 9.41

Abide by specified restrictions on personal associations, place of abode, or travel.

Maintain residence as directed. Do not change residence without prior approval of Pretrial Services or as directed by Pretrial Services.

Do not frequent places primarily used by persons under the age of 18 without prior approval of Pretrial Services.

The defendant shall not affiliate with, own, control, and/or be employed in any capacity by a business, organization, and/or volunteer activity that causes him/her to regularly contact persons under the age of 18.

You shall not have contact with any person under the age of 18 without the permission of the Pretrial Services Office. You may be required to be chaperoned by an adult, pre-approved by Pretrial Services, when in the presence of minors.

The defendant shall participate in the location monitoring program with Active Global Positioning Satellite. The defendant shall comply with a curfew as directed by the location monitoring specialist. The defendant shall abide by all program requirements, and must contribute towards the costs of the services, to the extent financially able, as determined by the location monitoring specialist. **The location monitoring specialist will coordinate the defendant's release with the U.S. Marshals.**

- You shall not have direct contact or indirect contact with any existing and/or future witnesses in this case.
- The defendant will participate in a mental health program or the Crisis Intervention Program.

### NONCOMPLIANCE SUMMARY

The defendant has not complied with the following conditions of supervision:

#### Nature of Noncompliance

1. Jay Michaud has violated the condition of bond that he not poses an external storage device by possessing a thumb drive on or about August 27, 2015.

The Honorable J. Richard Creatura, U.S. Magistrate Judge  
Report on Defendant Under Pretrial Services Supervision

Page 3 of 5  
January 5, 2016

**U.S. Probation Officer Action:**

- ☒ Reprimand by Probation Officer
- ☒ Defense counsel contacted for compliance assistance

On July 17, 2015, the defendant signed conditions of supervision acknowledging that he was not to possess any external hard drives without the approval of Pretrial Services. He was also made aware of the consequences of non-compliance. On July 23, 2015, this officer reviewed his conditions of supervision again during an assessment of his residence in Vancouver, Washington.

On August 27, 2015, this writer observed in plain view, a thumb drive located next to his bed labeled "HOME." The defendant reported the Federal Bureau of Investigation did not confiscate the device after their search prior to his placement on supervision. This writer confiscated the device and placed into evidence at the Tacoma Probation Office.

The U.S. Attorney's Office was notified of the defendant's possession of an external hard drive. Initially they expressed interest in petitioning the Court for possession of the device. Pretrial Services has not received any requests from the U.S. Attorney's Office since our last inquiry on December 17, 2015.

The defendant has adjusted well to supervision since the discovery of the external storage device. On September 10, 2015, this writer met with the defendant and Kevin Myles, a chaperone approved by the Archdiocese of Seattle. The Catholic Church requires any members charged or convicted of a sex offense, to be accompanied by an approved chaperone of the church and agree to established rules of attendance. Pretrial Services approved the defendant to attend religious services after completing a thorough investigation and assessment of the property and Mr. Myles.

The defendant is participating in Location Monitoring Program, home detention component. This component requires the defendant to obtain approval for all absences from his residence. Since his release, Mr. Michaud has been in full compliance with this requirement.

The defendant is attending counseling sessions with Dr. Jack M. Littman, psychologist with Clinical and Forensic Psychology in Vancouver, Washington. He appears to be benefiting from his weekly sessions with Dr. Littman.

The defendant resides alone in Vancouver, Washington. He is unemployed and financially supported by Social Security and his state pension.

A Jury Trial is scheduled on February 16, 2016, at 9:30 a.m. before the Honorable Robert J. Bryan, U.S. District Judge.

It is respectfully recommended that the Court endorse the actions taken by the probation officer at this time.

The Honorable J. Richard Creatura, U.S. Magistrate Judge  
Report on Defendant Under Pretrial Services Supervision

Page 4 of 5  
January 5, 2016

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on this 6<sup>th</sup> day of January, 2016.

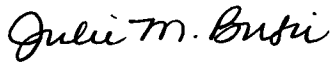
APPROVED:

Connie Smith  
Chief U.S. Probation and  
Pretrial Services Officer



Michael DiGuilio  
U.S. Probation Officer

BY:



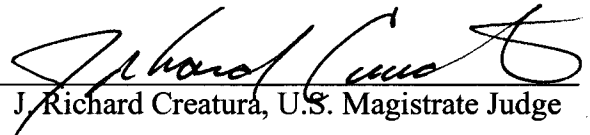
Julie M. Busic  
Supervising U.S. Probation Officer

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THE COURT FINDS PROBABLE CAUSE AND DIRECTS:

- ☒ Judicial Officer endorses the U.S. Probation Officer's actions  
☐ Issue a Summons  
☐ Issue a Warrant  
☐ Other



J. Richard Creatura, U.S. Magistrate Judge

1/6/16  
Date